THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO. 18037 of 2005

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DATED: 18.08.2005

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Between:

Bukkayapalli Kishore, S/o Late B.S.Reddy.

Petitioner

And

1. The District Collector, Visakhapatnam, Viisakhapatnam District,

and others

Respondents

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ORDER:

Heard both sides.

In this Writ Petition, petitioner is seeking a Writ of Mandamus, declaring the

action of the respondents in interfering with the peaceful possession and enjoyment of the petitioner's land to an extent of Ac. 2.00 in S.No. 27 of Madhuravada Village, Chinagadhili Mandal, Visakhapatnam District, and attempting to distribute the land to landless poor persons for providing house sites, without following due process of law, as arbitrary and consequently direct the respondents herein, not to dispossess the petitioner from Ac. 2-00 in S.No. 27 of Madhuravada Village, Chinagadhili Mandal, Visakhapatnam.

Brief facts of the case are that the petitioner's family is holding an extent of Ac. 2.00 in S.No. 27 of Madhuravada Village, Chinagadhili Mandal, since three generations and they raised Mango, Neem, Acasia gardens and the trees are bearing fruits for the last 50 years. The petitioner's family consists of eight members and are marginal farmers and they have no other land except the above said land and they are eking out their livelihood with the income derived from the lands. While so, the authorities of the third respondent came to the land of the petitioner and tried to demolish the poultry shed and to uproot the decades old trees with the help of the proclainer, without giving any notice or opportunity to the petitioner. It is submitted that on enquiry the petitioner came to know that the respondents are contemplating to distribute the land to landless poor persons for providing house sites. Therefore, the petitioner made a representation-dated 20.7.2005, to the respondents, to drop their proposal and exempt the land of the petitioner, but no action has been taken so far. Hence, the present Writ Petition has been filed.

In view of the above facts and circumstances of the case, I deem it appropriate to direct the respondents not to dispossess the petitioner from the land situated in S.No. 27 to an extent of Ac. 2.00 of Madhurawada Village, Chinagadhili Mandal, without following the due process of law.

With the above observation, the Writ Petition is disposed of. No order as to costs.

E. DHARMA RAO, J

DATED: 18/08/2005

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Note: Communicate operative portion by wire at party’s costs.